

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

**ORDER ON ADMINISTRATIVE
MOTIONS FOR LEAVE TO FILE
UNDER SEAL**

Re: Dkt. Nos. 593, 594, 616, 637, 638, 689,
716, 723

Before the Court are administrative motions for leave to file under seal materials associated with discovery disputes in this case. Dkt. 593, 594, 616, 637, 638, 689, 716, 723.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

1. Dkt. 593

| Documents Sought to be Sealed | Court’s Ruling on Motion to Seal | Reason(s) for Court’s Ruling |
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| Order Adopting in Part and Modifying In Part the Special Master’s Report and Recommendation on Referred Discovery Issues re Preservation Plan (Dkt. 587) | GRANTED as to Portions of Order at: Pages 7:20-21, 7:23-25, 8:14 GRANTED as to Portions of Exhibit A to Order at: Pages 2-3 | Narrowly tailored to protect confidential technical information regarding sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects, data signals, and logs and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products. |

2. Dkt. 594

| Documents Sought to be Sealed | Court’s Ruling on Motion to Seal | Reason(s) for Court’s Ruling |
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| Order on Plaintiffs’ Motion for Sanctions for Discovery | GRANTED as to Portions of Order at: Pages 3:2, 3:23, 3:26 | Narrowly tailored to protect confidential technical information regarding sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects, identifiers, data |

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| Misconduct (Dkt. 588) | <p>GRANTED as to Portions of Exhibit A to Order at:</p> <p>Pages 4:5, 4:8-9, 4:19-20, 5:3, 5:5, 5:17, 6:11, 6:20, 6:23, 7:2-26, 13:1-3, 13:10-13, 16:10-11, 17:16, 17:20, 19:5, 19:7, 21:9, 21:11, 21:13-15, 21:17, 21:19, 21:23-24, 22:2-3, 22:10, 22:12, 22:17, 23:6, 24:2, 24:18, 26:3-5, 27:24, 36:8-10, 36:12, 36:15, 36:17, 36:26, 37:3, 37:7, 37:14</p> | <p>signals, and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p> |
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3. Dkt. 616

| Document | Portions to be Filed Under Seal | Reason(s) for Court's Ruling |
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| Transcript for April 21, 2022 Proceedings | <p>GRANTED as to redacted portions at:</p> <p>Pages 12:16, 18:14, 18:19, 89:20, 121:4, 121:7, 121:13, 128:8, 128:18-19, 128:22, 131:20-22, 131:25, 132:3, 132:6-7, 132:11, 132:15, 140:11, 140:14-15, 140:18, 155:20-21, 155:24-25, 169:12, 169:20, 169:22, 189:6, 189:13, 190:10-12, 192:10</p> | <p>The information requested to be sealed contains Google's confidential and proprietary information, including details related to Google's internal projects, internal identifiers, data signals and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing</p> |

products.

4. Dkt. 637

| Document Sought to Be Sealed | Court's Ruling on Motions to Seal | Basis for Sealing Portion of Document |
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| July 15, 2022 Order | GRANTED as to redacted portions at: Page 2:7 | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including internal data security measures, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products. |
| Exhibit 1 - List of Logs Identified in Proceedings before SM | GRANTED as to redacted portions at: In its entirety | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may |

also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

5. Dkt. 638

| Document | Text To Be Sealed | Basis for Sealing Portion of Document |
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| May 3, 2022 Transcript of Sealed Proceedings | <p>GRANTED as to the portions at:</p> <p>Pages 16:4-5, 23:21, 28:7, 33:22, 35:11, 38:8, 38:17, 38:21, 39:17, 41:17, 43:14, 44:13, 45:15-16, 46:4, 46:10, 46:19, 48:8, 48:12-13, 48:15-18, 48:20-22, 50:11, 50:21, 52:21-23, 54:5-7, 54:18-19, 55:1, 55:3, 55:5, 58:5-6, 58:9, 58:19, 58:22-24, 59:2, 59:12-13, 59:15, 60:6, 60:15, 61:2, 61:9-10, 62:10, 63:1, 63:6, 63:14-15, 64:9-10, 64:13-14, 64:18</p> | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to Google's internal projects, internal identifiers, data signals and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products. |

6. Dkt. 689

| Document Sought to Be Sealed | Court's Ruling on Motions to Seal | Basis for Sealing Portion of Document |
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| August 5, 2022 Order on (1) Google's Administrative Motions for | <p>GRANTED as to redacted portions at:</p> <p>Pages 4:5, 4:8-9, 5:3, 5:15, 6:3-5, 6:11, 6:13, 6:17, 7:3, 7:5-6, 7:11, 8:5,</p> | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, as well |

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| Extension/Clarification of the Preservation Plan Orders and (2) <i>Calhoun</i> Plaintiffs' Motion for Clarification of Preservation Plan Order | 8:7, 9:2, 9:14, 10:1-4, 10:12-14, 11:1-3, 11:16-17, 12:1-2, 12:6-7, 12:20, 12:23-24, 13:8, 13:11-12, 13:14-15 | as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products. |
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7. Dkt. 716

| Document | Text To Be Sealed | Basis for Sealing Portion of Document |
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| Google LLC's Notice Regarding the August 4 Hearing and Steps Taken to Ensure Compliance with the Preservation Orders | GRANTED as to the portions at: Pages 2:4, 2:7, 2:9-10, 2:21, 2:23-24, 2:26-28, 3:2, 3:8, 3:12, 3:15 | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the |

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| | | information to compromise Google's internal practices relating to competing products. |
| Declaration of Glenn Berntson Regarding Google Data Sources Discussed at August 4, 2022 Hearing | GRANTED as to the portions at: Pages 1:26-27, 2:3, 2:5-6, 2:8-9, 2:11, 2:14-18, 2:20, 2:22-27, 3:4-18, 3:21-23, 3:26, 4:4-8 | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products. |

8. Dkt. 723

| Document | Text To Be Sealed | Basis for Sealing Portion of Document |
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| August 4, 2022 Hearing Transcript | GRANTED as to the portions at: Pages 6:16, 13:24, 16:1, 16:24, 17:4, 18:2-5, 18:25, 19:3-4, 22:2, 22:10-11, 24:7, 26:4, 26:24-25, | The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to Google's internal projects, internal databases, data signals, and logs, and their proprietary functionalities, data size, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not |

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United States District Court
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SO ORDERED.

Dated: September 30, 2022



SUSAN VAN KEULEN
United States Magistrate Judge